

Exhibit 1

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

CITY OF CHICAGO, an Illinois municipal
corporation,

Plaintiff,

v.

GLOCK, INC.,

Defendant.

Civil Action No.: 2024CH02216
**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiff City of Chicago files this complaint against Defendant Glock, Inc. to hold Glock accountable for the misconduct alleged below.

SUMMARY OF ACTION

1. A hundred years ago, the Thompson submachine gun, also known as the Tommy gun, was the go-to weapon for Chicago criminals. Prohibition-era violence with the gun was so prevalent, in fact, that the weapon was commonly referred to as the Chicago typewriter. In 1931, the public outcry in response to this violence led Illinois to prohibit machine guns, followed shortly thereafter by national regulation of machine guns. Unfortunately, the machine gun has returned as a weapon of choice for criminals in Chicago—this time in the form of a Glock pistol, which can be easily modified into a machine gun using a simple, quarter-sized device called an auto sear. Glock knows that it takes little effort to convert its pistols into illegal machine guns and that criminals frequently do so. Glock also knows it could fix the problem, but has chosen not to, putting profits over public safety and violating the law.

2. Glocks affixed with auto sears (“Modified Glocks”) can fire fully automatically: up to 1,200 rounds per minute, a rate as fast or faster than many fully automatic firearms used by the

U.S. military. Over the past two years, from the beginning of 2021 through December 31, 2023, **over 1,100 Modified Glocks** have been recovered by the Chicago Police Department (“CPD”). These terrifying weapons have caused death and destruction throughout Chicago: they have been recovered in connection with homicides, aggravated assaults, batteries, kidnappings, burglaries, home invasions, carjackings, and attempted robberies.

3. Glock pistols are the most popular firearm in America. They are also the firearm most favored by criminals, particularly in Chicago. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), over 8,000 Glock pistols were recovered in connection with criminal investigations in Chicago from 2017 to 2021—thousands more than the next most popular crime gun. Glock’s popularity within the criminal market is owed in part to the ease with which Glock pistols can be converted into machine guns.

4. Due to the susceptibility of Glock pistols to modification and Glock’s refusal to correct the problem, anyone with \$20–\$25 to spare and a desire to circumvent long-standing federal and state prohibitions on possessing fully automatic machine guns can do so by buying an auto sear and affixing it to a Glock pistol. The task can be accomplished with a common household tool, like a screwdriver, and it typically takes less than five minutes with instructions readily available online.

5. Glock has known about this dangerous work-around for years. So prevalent is the practice of installing auto sears on Glock pistols that they are commonly known as “Glock switches”—“switches” because they allow shooters to toggle between semiautomatic and fully automatic firing modes. Many auto sears are even sold with the Glock logo printed on them, even though Glock does not manufacture them.



An auto sear affixed with a Glock logo.

6. Glock's willful decision to not take any meaningful action to address this problem in its sales to civilians—despite its awareness—is immoral, unethical, oppressive, unscrupulous, and unreasonable. This is especially so given that the aspect of Glocks that allows the pistols to be so easily modified can also be easily changed to prevent that modification. Indeed, in stark contrast to Glock pistols, the process of modifying most other popular pistols into machine guns, such as those produced by Smith & Wesson or Sig Sauer, requires time-consuming and difficult engineering well beyond the capability of most civilians.

7. However, instead of taking reasonable action to put an end to the modification of its pistols by civilians, Glock has made the business decision to continue profiting from the sales of its easily modifiable guns to the civilian market. The result endangers the health and safety of Chicagoans and increases and exacerbates the injuries and death from gun violence—draining the City's public health, safety, investigative, and judicial resources and causing some City residents to fear using public streets, parks, schools, and transportation.

8. While Chicago has long struggled with an epidemic of gun violence, it is unquestionable that the ease of modification of Glocks and the resulting prevalence of Modified Glocks have made the situation worse. Criminals armed with Modified Glocks are emboldened because of their military-grade firepower, and they kill and injure more people, increasing the

terror felt by ordinary Chicagoans. According to one ATF agent, the use of guns equipped with auto sears is “*one of the scariest things*” the agency has dealt with in decades.¹ The former acting Special Agent in Charge of the ATF’s Chicago Field Division explained last year that part of the increased danger caused by modified machine guns is that shooters cannot handle the recoil of so many rounds coming out of the gun so quickly, resulting in bullets spraying everywhere.²

9. The evidence of the increased danger caused by Modified Glocks can be seen all over Chicago:

- a. In October 2021, a gun fight erupted on North Mason Avenue in Chicago’s Austin neighborhood between rival gang members, necessitating the arrival of a SWAT team. Bullets shattered the windows of neighboring homes, terrifying the community. When the smoke cleared, one man was dead and two others were injured. Two Modified Glocks were recovered at the scene.
- b. In January 2022, police responded to a shooting on Chicago’s South Side. They found three victims: a woman sitting in a parked car when she was struck in both legs, a man struck in the arm while walking on the sidewalk, and another man shot in the face while standing in the doorway of his home. They witnessed a vehicle fleeing the scene, hitting an unmarked CPD squad car in the process. Officers recovered two firearms from the car, including a Modified Glock 17.
- c. In another incident from January 2022 in Humboldt Park, a mother was taking her daughter to a medical center located in an elementary school when she heard gunshots and retreated to her car. When she looked down, she noticed that she had been shot in the knee. The gunshots came from a car that was chasing and actively shooting at another car, firing a total of 37 rounds. A Modified Glock 19 with a 15-round magazine was recovered in connection with the shooting.
- d. In July 2022, two teenagers were watching television in their home in the West Pullman area of Chicago when bullets came through their window, injuring them both. When police arrived, they found 13 bullet holes in the window of the home and two Glock pistols outside, one of which was equipped with an auto sear.

¹ Alain Stephens & Keegan Hamilton, *The Return of the Machine Gun*, THE TRACE (Mar. 24, 2022), <https://www.thetrace.org/2022/03/auto-sear-gun-chip-glock-switch-automatic-conversion> (emphasis added) [<https://perma.cc/AQL9-9FWH>].

² Courtney Spinelli, *Chicago area law enforcement sees rise in machine gun conversion device recoveries*, WGN-TV (last updated Mar. 1, 2023 10:03 PM), <https://wgntv.com/news/cover-story/chicago-area-law-enforcement-sees-rise-in-machine-gun-conversion-device-recoveries> [<https://perma.cc/QR39-UX8N>].

- e. In December 2022, a couple with their two children were at a BP gas station on South Pulaski Road in the West Lawn neighborhood of Chicago when a gunfight erupted between two cars, leaving one person dead and a total of 61 shell casings at the scene. The couple was forced to flee with their children in the backseat as the individuals in the cars engaged in a high-speed chase behind them and continued shooting. Two Modified Glocks were recovered in connection with the shooting.
- f. In September 2023, a 21-year-old walking in Hyde Park was shot seven times after individuals jumped out of a car and began shooting at him. CPD found 43 shell casings in the immediate area. A discarded Modified Glock was recovered nearby.

10. These are just some of the many crime scenes in Chicago involving Modified Glocks.

11. A chilling aspect of this epidemic is its relationship to minors. Many Modified Glocks are found in the possession of minors—and many of the victims of Modified Glocks are minors as well. For example, in February 2023, police recovered three Modified Glocks in the bedroom of a 16-year-old who has since been charged with killing two other teenagers at a high school. That same month, police recovered two Modified Glocks at the scene of a shooting outside of a party where a 16-year-old was killed. Shell casings were found on the floor of the venue hosting the party, in the loading dock, and in the back alley, and a neighbor reported that a bullet had gone through his window.

12. By choosing to continue selling and marketing its easily modified pistols to Illinois civilians, including to Chicago non-law-enforcement consumers, and refusing to implement simple changes to its pistol design, Glock has violated numerous obligations under municipal and state law, including by failing to institute reasonable controls and safeguards to prevent the unlawful possession of its pistols, “[k]nowingly creat[ing], maintain[ing], or contribut[ing] to a condition in Illinois that endangers the safety or health of the public by conduct either unlawful in itself or unreasonable under all circumstances,” and engaging in unfair acts. 815 ILCS 505/2,

505/2BBBB(b)(1), (4). By violating these provisions of the Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”), Glock has created, maintained, and contributed to a public nuisance in Chicago, and has violated the Municipal Code of Chicago (“MCC”), Section 2-25-090(a), which prohibits any person from engaging in “any conduct constituting an unlawful act or practice under the [ICFA].”

13. Through this lawsuit, Chicago seeks an order enjoining Glock from continuing to sell its easily modifiable pistols to Chicago civilians via its website and Illinois gun stores that serve the Chicago market. The City also seeks an assessment of fines against Glock for each day that it continues to violate MCC § 2-25-090(a), as well as damages for the harm that Glock has knowingly and foreseeably caused to the City.³

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under Article VI, Section 9 of the Illinois Constitution.

15. The Court has personal jurisdiction over Defendant under 735 ILCS 5/2-209 because Defendant transacts business within Illinois.

16. Venue is proper under 735 ILCS 5/2-101 because a substantial part of the events or omissions giving rise to the claims occurred in Cook County.

³ For the avoidance of doubt, Chicago does not seek any relief based on or to stop the sales of Glock pistols to law enforcement as they are currently designed. Unlike typical civilians, law enforcement officers may legally possess fully automatic weapons when they are on duty. This lawsuit is focused exclusively on Glock’s sales to the civilian market in Illinois.

PARTIES

17. Plaintiff City of Chicago is an Illinois municipal corporation and a home rule unit of local government organized under Article VII of the Constitution of the State of Illinois and the laws of the State of Illinois, located in Cook County.

18. Defendant Glock, Inc. is a firearm manufacturer, dealer, and importer located in Smyrna, Georgia. It is incorporated under the laws of the State of Georgia as a domestic for-profit corporation with its principal place of business at 6000 Highlands Parkway SE, Smyrna, Georgia, 30082. Glock, Inc. is wholly owned by the Austria-based Glock Ges.m.b.H. Glock pistols make up the majority of all pistols purchased in the United States, bringing the company hundreds of millions of dollars in annual revenue. Glock, Inc. is directly and materially involved in the manufacture, design, and promotion of Glock pistols for civilians, including those residing in Chicago.

FACTS

Auto Sears Make Illegal Machine Guns Cheap and Accessible

19. Fully automatic weapons—or, in other words, machine guns—have been heavily regulated at the federal level since the 1930s because of their frequent use in crime, their increasing use in deadly shootings and massacres,⁴ and the “immense danger” their rapid-fire capability posed to the public, *United States v. O’Brien*, 560 U.S. 218, 230 (2010). As the Solicitor General of the United States recently explained: “Machineguns were originally developed in the late 19th century for use in battle. But in the late 1920s and early 1930s, gangsters began using them in their criminal activities. John Dillinger used machineguns to rob banks, Pretty Boy Floyd used them to ambush

⁴ *National Firearms Act*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (last reviewed Apr. 7, 2020), <https://www.atf.gov/rules-and-regulations/national-firearms-act> [<https://perma.cc/XT95-NVB7>].

policemen, and Al Capone's henchmen used them to murder rivals in the St. Valentine's Day Massacre. Congress responded with the National Firearms Act of 1934 ... reflect[ing] Congress's judgment that the 'gangster as a law violator must be deprived of his most dangerous weapon, the machine gun,' and that 'there is no reason why anyone except a law officer should have a machine gun.'"⁵

20. Federal law thus mandates that machine guns and certain other weapons may be made, sold, and possessed only subject to strict regulation and registration requirements. It bans the sale of machine guns to members of the general public and to any person except those specifically authorized by the U.S. Attorney General, and it also prohibits the transfer and possession of them, except in limited circumstances. 18 U.S.C. § 922(b)(4), 922(o).

21. Federal law defines "machinegun" as "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger." 26 U.S.C. § 5845(b). The term also includes "parts designed and intended[] for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person." *Id.*; *see also* 27 C.F.R. § 479.11.

22. Similar long-standing restrictions have existed in Illinois. *See* 720 ILCS 5/24-1(a)(7)(i). Under state law, a machine gun includes "any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon"

⁵ Brief for the Petitioners at 2–3, *Garland v. Cargill*, No. 22-976 (filed Dec. 18, 2023) (internal citations omitted).

and “any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.” *Id.*

23. Given the strict restrictions on the sale and ownership of machine guns, fully automatic weapons are difficult to acquire. Semiautomatic weapons—like most Glock pistols—are not. Criminals seeking the power and lethality of a fully automatic weapon have increasingly looked to readily available, easily modifiable semiautomatic weapons to get the firepower and destructive force that they desire. In recent years, auto sears have made this search significantly easier.

24. Auto sears are add-ons used to convert semiautomatic guns into fully automatic weapons. “Auto sear” is short for “automatic sear,” so named because the small device overtakes the sear of a firearm, which is the part of the trigger mechanism that holds the striker back. Once the sear is overtaken, the striker can continue firing with just one trigger pull. In other words, a gun with an auto sear installed fires fully automatically because the modified gun will continue firing as long as the trigger is pulled and there is ammunition in the magazine.

25. Decades ago, the ATF determined that auto sears themselves are “machineguns” as defined under federal law because they are a “combination of parts designed and intended[] for use in converting a weapon into a machinegun.” 26 U.S.C. § 5845(b).⁶

26. Accordingly, under federal and Illinois law, any civilian in possession of a Glock pistol along with an auto sear is committing a crime—even if the auto sear is not installed or used—including because the individual is in possession of a “combination” or “parts from which a machine gun can be assembled[.]”

⁶ See *ATF Ruling 81-4*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/resource-center/docs/atf-ruling-81-4pdf/download> [https://perma.cc/8S3E-WAP8] (last visited Mar. 13, 2024).

27. Auto sears are cheap and easy to acquire. They can be found for as little as \$20.⁷ Many auto sears are made in China and falsely marketed online as other household or recreational products. Once imported illegally to the United States, they are sold within the criminal gun market. These overseas manufacturers often quickly dissolve to avoid investigation or legal action, with new ones emerging to replace them. Most auto sears that originate in the United States are produced using 3D printers and are often created using downloadable blueprints that are readily available online. In light of these commonly used methods for obtaining auto sears, they are difficult to trace, intercept, and eradicate.⁸

28. Glock-style auto sears, which look like “very small Lego piece[s],”⁹ can be attached to the back of pistols, as seen in the image of a Modified Glock below.



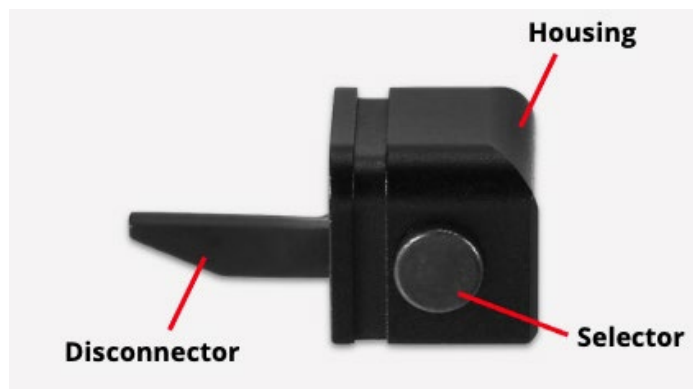
29. The auto sear has a small protrusion called a “disconnecter” that, once installed, pushes the pistol’s internal trigger bar down, allowing the striker to continue firing as the slide

⁷ Julia Rothman & Shaina Feinberg, *This \$20 Device Turns a Handgun Into an Automatic Weapon*, N.Y. TIMES (July 1, 2022), <https://www.nytimes.com/2022/07/01/business/auto-sear-handgun-automatic.html>.

⁸ Frank Main, Tom Schuba, Matt Kiefer & Cheryl W. Thompson, *In Chicago, Handguns Turned Into High-Capacity Machine Guns Fuel Deadly Violence*, NPR (Oct. 28, 2022), <https://www.npr.org/2022/10/28/1131026241/chicago-handgun-violence-auto-sear-machine-gun> [<https://perma.cc/2DVS-LQWT>].

⁹ Rothman & Feinberg, *supra* note 7.

reciprocates with recoil. The ability to fire continuously, without the shooter having to pull and release the trigger repeatedly, allows for a much faster rate of fire.



30. Most Glock-style auto sears come with round “selectors” that allow the user to toggle between semiautomatic and fully automatic modes. Other versions convert Glock pistols to fire only fully automatically when installed.

31. It is well known that Glock pistols are particularly easy to modify for fully automatic firing with auto sears. This is in sharp contrast to most other pistols that do not accept auto sears as easily and instead require time-consuming and difficult engineering to be modified into automatic weapons.

32. For Glock’s Generation 1 through 4 pistols (“Gen1” through “Gen4,” which have been produced for decades since Glock’s entry into the U.S. market), installing an auto sear involves using a screwdriver to merely slide out the rear removable plastic backplate of the gun’s slide and placing the auto sear into the backplate’s position. There are many videos available online

explaining how to easily accomplish this.¹⁰ Glock continues to sell Gen3 and Gen4 pistols to civilian consumers in the United States, including civilian consumers in Chicago.¹¹

33. Glock's Generation 5 ("Gen5") line of pistols, which entered the market in 2017, requires minor filing or clipping of a small *plastic* notch before an auto sear may be affixed. This presents no real obstacle or deterrent to criminals seeking to convert their Glocks. Like the other models, the conversion of a Glock Gen5 pistol can be done in a matter of minutes with minimal modification to the firearm. Videos available online explain how to affix a Glock switch to the Gen5 models with ease. For example, one online video with over 720,000 views provides step-by-step instructions on how to modify a Gen5 pistol in mere minutes while noting that they "only had to take that little notch off," which "wasn't that big of a deal."¹² Another video from 2020 with almost 36,000 views shows how to affix an auto sear to a Gen5 pistol within two minutes.¹³ As

¹⁰ See, e.g., @Letreacotm, *How to install glock full auto switch*, FACEBOOK (June 21, 2022, 1:29 AM), <https://www.facebook.com/100063815394590/videos/how-to-install-glock-full-auto-switch/1185300678678624>; @Knifehomes, *How to install glock full auto switch*, FACEBOOK (Apr. 17, 2021, 3:12 AM), <https://www.facebook.com/kniveshomes/videos/how-to-install-glock-full-auto-switch/227916132441449>; @silencer-sales, *full auto glock instruction*, YOUTUBE (Dec. 10, 2020), <https://www.youtube.com/watch?v=0L4Wxg4CCCg>; @BaaSicStuff, *Auto conversion for any Glock pistol, in 90 sec*, YOUTUBE (Mar. 23, 2023), <https://www.youtube.com/watch?v=fSCVPVysdwg>.

¹¹ Glock's website allows users to view all of Glock's pistols available for purchase. See *GLOCK Pistols*, GLOCK, <https://us.glock.com/en/Pistols> [<https://perma.cc/R74M-PY4C>]. The website allows users to filter the pistols available for purchase, including the ability to select "Gen3" and "Gen4" models. *Id.* (click "Add/Edit Filters"; then choose "All features"; select "Gen3" and "Gen4"; then click "Save Change"). After applying the Gen3 and Gen4 filters, a user can see all of the Gen3 and Gen4 pistols that Glock sells and which of those pistols are only available for purchase by law enforcement. Glock offers multiple Gen3 and Gen4 models for civilians, including four different 9x19mm pistols: the G17, G19, G26, and G34. See *id.*; see also *G17*, GLOCK, <https://us.glock.com/en/pistols/g17> [<https://perma.cc/U7PF-94RS>]; *G19*, GLOCK, <https://us.glock.com/en/pistols/g19> [<https://perma.cc/6NLT-9J6B>]; *G26*, GLOCK, <https://us.glock.com/en/pistols/g26> [<https://perma.cc/5J6K-YUYU>]; *G34*, GLOCK, <https://us.glock.com/en/pistols/g34> [<https://perma.cc/D5XB-UP7C>].

¹² Royal Range USA, *Full Auto Glock 17 GEN5!!!*, YOUTUBE (Aug. 30, 2017), <https://www.youtube.com/watch?v=JSIX0HscziY>.

¹³ @silencer-sales525, *Full Auto Glock Instruction*, YOUTUBE (Dec. 10, 2020), <https://www.youtube.com/watch?v=0L4Wxg4CCCg>.

discussed further below, this easy, do-it-yourself conversion is not possible for other handguns on the market. Glock sells Gen5 pistols to civilian consumers in the United States, including civilian consumers in Chicago.

34. This quick modification comes with devastating results. A Modified Glock pistol can reportedly fire up to 1,200 rounds per minute—a faster rate of fire than the standard M4 machine gun used by the United States military.¹⁴ In a recent federal complaint filed against an accused auto sear trafficker, the defendant bragged that his auto sears were compatible with a Gen5 Glock and could make it fire “30 rounds in two seconds.”¹⁵ By contrast, an unmodified Glock can fire only as fast as the shooter can repeatedly pull and release the trigger, which varies based on skill and experience level.

35. Glock pistols affixed with a switch are also more difficult to control—resulting in a greater risk of bodily harm or death to bystanders. An untrained shooter using an unmodified semiautomatic Glock may already have a difficult time maintaining the gun’s recoil to stay on target while firing. That problem is exponentially greater when firing a Modified Glock. It is much more difficult for shooters to manage a Modified Glock’s recoil and maintain their target when firing so many rounds in rapid succession, resulting in more lethal shootings, grievous wounds for survivors, and greatly enhanced risks for bystanders.

36. Modified pistols, especially Modified Glocks, have grown tremendously in popularity in recent years. A company that uses audio sensors to monitor gunfire reported that there were 75,544 recorded rounds of “suspected automatic gunfire in 2022 in portions of 127

¹⁴ Press Release, U.S. Att’y’s Off., N. Dist. of Texas, Fort Worth Manufacturer Charged in Glock Switch Case (Nov. 18, 2022), <https://www.justice.gov/usao-ndtx/pr/fort-worth-manufacturer-charged-glock-switch-case> [<https://perma.cc/B35Z-4AXG>].

¹⁵ Aff. ¶ 7, *United States v. Hendrie*, No. 23-MJ-4115 (W.D.N.Y. July 20, 2023), ECF No. 1.

cities covered by its microphones,” including Chicago, representing “a 49 percent increase from the year before.”¹⁶ According to law enforcement, this increase is attributable, in part, to fully automatic pistols being seen by teenagers as “status symbol[s] that provide[] a competitive advantage.”¹⁷ As another law-enforcement official explained, “They think it’s cool, they think it looks cools, sounds cool, they want to brag about having it.”¹⁸

37. Teenagers and adults alike can easily purchase auto sears online via popular social media platforms¹⁹ and can learn how to install them with the help of online tutorials available on a variety of websites. Frequently, these posts and videos refer specifically to converting Glock pistols into automatic weapons.²⁰

38. The increased popularity of modified pistols has led federal, state, and local law enforcement from around the country to raise the alarm about the dramatic rise in the use of auto sears and automatic weapons, particularly Glocks. For example:

- a. **Nationwide:** The ATF reported a 400% increase in recoveries of illegally modified machine guns from 2020 to 2021²¹ and a 570% increase in machine gun conversion parts recovered between 2017 and 2021 as compared to the previous five-year

¹⁶ Ernesto Londoño & Glenn Thrush, *Inexpensive Add-on Spawns a New Era of Machine Guns*, N.Y. TIMES (Aug. 12, 2023), <https://www.nytimes.com/2023/08/12/us/guns-switch-devices.html>.

¹⁷ *Id.*

¹⁸ Jeremy Harris, *Illegal ‘Glock Switch’ Blamed for Increase of Rounds Being Fired in Western Washington Shootings*, KPIC (Oct. 7, 2023, 11:02 AM), <https://kpic.com/news/local/illegal-glock-switch-blamed-for-increase-bullets-rounds-fired-in-western-washington-shootings-ghost-guns-atf-machine-gun-gun-violence-crime-firearms-law-enforcement-police-seattle-spd-chief-adrian-diaz-investigations> [<https://perma.cc/7B4S-KPJ5>].

¹⁹ Chris Hrapsky, *Glock Switch Creator Would ‘Rather Invent Any Other Thing’ in Wake of Unintended Consequences*, KARE 11 (Feb. 7, 2024, 10:31 PM), <https://www.kare11.com/article/news/local/kare11-extras/dangers-of-the-controversial-glock-switch-as-told-by-its-inventor/89-9fd2745b-4616-4f8e-b993-3a7249d10f85> [<https://perma.cc/FP37-Z4GZ>].

²⁰ See, e.g., *supra* notes 12, 13.

²¹ See Alain Stephens & Keegan Hamilton, *The Sacramento Mass Shooting Likely Involved a Converted Machine Gun, Officials Say*, TRACE (Apr. 7, 2022), <https://www.thetrace.org/2022/04/sacramento-mass-shooting-auto-sear-machine-gun/> [<https://perma.cc/PH4F-WYW2>].

period.²² These numbers led federal officials to contact Glock “in search of ways to modify the weapon to make it harder to attach switches.”²³

- b. **Dallas:** Officials reported a 2,750% increase in auto sear recoveries from 2021 to 2022.²⁴
- c. **Columbus:** Officials reported a 1,200% increase in auto sear recoveries as of April 2023, compared to the same time in the previous year.²⁵
- d. **Louisville:** Officials reported an 800% increase in auto sear recoveries from 2021 to 2022.²⁶
- e. **St. Louis:** Officials reported a 575% increase in auto sear recoveries from 2021 to 2022.²⁷
- f. **Oklahoma City:** Officials reported a 500% increase in Glock switch recoveries from 2021 to 2022 and a nearly 330% increase from 2022 as of November 2023.²⁸

39. All this is well known to Glock. As early as in or around 1987, Gaston Glock, the founder of Glock Ges.m.b.H., met with the inventor of the “Fire Selector System,” a type of auto

²² Londoño & Thrush, *supra* note 16.

²³ *Id.*

²⁴ See Katy Blakey, *Shootout with Dallas Murder Suspect Renews Focus on Illegal ‘Glock Switches,’* NBC DFW (Nov. 21, 2023, 5:39 PM), <https://www.nbcdfw.com/news/local/shootout-with-dallas-murder-suspect-renews-focus-on-illegal-glock-switches/3393818/> [<https://perma.cc/LMY3-E6AM>].

²⁵ See NBC4 Columbus, *Switch Handguns on the Rise in Columbus*, YouTube (Apr. 27, 2023), https://www.youtube.com/watch?v=S62EM_LDwda.

²⁶ Travis Breese, *Focus: Dime-Sized Device Is Creating Mini-machine Guns in Louisville*, WHAS 11 (Oct. 6, 2022, 9:32 PM), <https://www.whas11.com/article/news/investigations/focus/focus-glock-switches-handgun-conversion-louisville-minors-no-more-red-dots-kentucky/417-e7aedde6-0ec0-49b8-a0a6-b5ef9f64a2e8> [<https://perma.cc/FK5S-YWPA>].

²⁷ See Rachel Lippmann, *St. Louis-Area Police Are Seizing More Modified Handguns—Here’s Why That’s Bad News*, ST. LOUIS PUB. RADIO (Jan. 5, 2023, 6:18 PM), <https://www.stlpr.org/law-order/2023-01-05/st-louis-area-police-are-seizing-more-modified-handguns-heres-why-thats-bad-news> [<https://perma.cc/A6ZU-XML9>].

²⁸ See Josh Dulaney, *3D Printed Device to Turn Pistols into Automatic Weapons Increasingly Used in Crimes in Oklahoma, Police Say*, OKLAHOMAN (Nov. 29, 2023, 5:00 PM), <https://www.oklahoman.com/story/news/2023/11/29/glock-switch-3d-printing-crime-on-the-rise-oklahoma-okc/71719158007/> [<https://perma.cc/KT6U-RA2S>].

sear designed and patented especially for use with Glock pistols.²⁹ Gaston Glock test-fired a Glock equipped with an auto sear and saw that Glock pistols could be easily converted to automatic weapons and that this posed a danger.³⁰

40. As Gaston Glock knew and expected, it was not long before civilians began illegally modifying semiautomatic Glocks to automatic machine guns. And Defendant Glock was on notice of this alarming trend. For example, more than 20 years ago, an ATF investigation resulted in dozens of arrests and the seizure of seven converted Glock pistols and nine Glock switches.³¹ More recently, on April 11, 2022, 41 members of Congress published a letter highlighting the increased use of auto sears in shootings nationwide, specifically identifying only Glock-made pistols by name.³² And federal officials have contacted Glock directly searching for ways to address the problem.³³

41. There have also been countless high-profile prosecutions, news articles, and public events in recent years that have identified the use—or intended use—of Modified Glocks. For example:

- a. The 2019 murder of four family members who had gathered to watch football in a backyard in Fresno, California.³⁴

²⁹ Hrapsky, *supra* note 19.

³⁰ *Id.*

³¹ *Internet Arms Trafficking*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/our-history/internet-arms-trafficking> [<https://perma.cc/8WWJ-8QUZ>] (last updated May 15, 2020).

³² Letter from Representative Lizzie Fletcher et al. to Marvin Richardson, Acting Dir., Bureau of Alcohol, Tobacco, Firearms & Explosives (Apr. 11, 2022), https://carbajal.house.gov/uploadedfiles/2022-04-11_letter_to_atf_on_auto_sears_final_copy.pdf [<https://perma.cc/EMP6-2ARZ>].

³³ Londoño & Thrush, *supra* note 16.

³⁴ Stephens & Hamilton, *supra* note 21.

- b. The 2021 murder of a Houston police officer,³⁵ followed four months later by the shooting of three more Houston police officers.³⁶
- c. The 2021 discovery of a Modified Glock hidden in the home of a self-described incel in Ohio, who intended to kill sorority members at a local university.³⁷
- d. A 2022 mass shooting in Sacramento, California that resulted in the death of six people, including three innocent bystanders.³⁸
- e. A 2022 New Year's Eve shooting in Mobile, Alabama, blocks away from where more than 12,000 people were attending a New Year's Eve celebration.³⁹

42. Modified Glocks are so ubiquitous that they are commonly referenced in popular media. For example, the phrase "Glock Full Auto Switch" has been among the most frequent firearm-related internet search terms in the United States in recent years.⁴⁰ There is a Wikipedia page devoted to the term "Glock Switches."⁴¹

³⁵ Miya Shay, *Bodycam video of shootout that killed officer shows suspect used illegally modified gun, police say*, ABC (Oct. 12, 2021), <https://abc7.com/houston-police-shooting-bodycam-video-deon-ledet-william-bill-jeffrey/11118603/> [<https://perma.cc/EY7G-KDB3>]; *Local Heroes Who Paid the Ultimate Sacrifice: Houston Police Officers Killed in the line of duty* at 124, Houston Police Department Museum (June 2023), https://www.houstontx.gov/police/museum/ultimate_sacrifice_book.pdf [<https://perma.cc/ZQ42-WJCG>].

³⁶ Joel Eisenbaum, *HPD Shootout: Illegally modified gun used to injure 3 HPD officers shoots 50 rounds in 5 seconds*, CLICK2HOUSTON (Jan. 28, 2022), <https://www.click2houston.com/news/local/2022/01/29/hpd-shootout-illegally-modified-gun-used-to-injure-3-hpd-officers-shoots-50-rounds-in-5-seconds/> [<https://perma.cc/A6HE-JLY6>].

³⁷ Stephens & Hamilton, *supra* note 1.

³⁸ Sam Stanton, *Three charged with murder in connection with Sacramento mass shooting. Here's what we know*, THE SACRAMENTO BEE (May 3, 2022), <https://www.sacbee.com/news/local/crime/article261026102.html> [<https://perma.cc/HQM5-64DW>].

³⁹ @WKRG, *Modified Glock used during New Year's Eve deadly shooting in downtown Mobile: Police*, YOUTUBE (Jan 2, 2023), <https://www.youtube.com/watch?v=pClxv7NV7wg>.

⁴⁰ *National Firearms Commerce and Tracking Assessment: Firearms in Commerce* at 37, U.S. Dep't of Just., ATF (May 5, 2022), available at <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download> [<https://perma.cc/8SSP-FTP2>].

⁴¹ *Glock Switch*, WIKIPEDIA, https://en.wikipedia.org/wiki/Glock_switch [<https://perma.cc/6PHP-AUK7>] (last visited Mar. 12, 2024).

43. And “Glock switches” are featured by name in popular music. For example, the 2022 song “Jimmy Cooks” by Drake featuring 21 Savage—which debuted at #1 on the U.S. Billboard Hot 100⁴² and has been streamed nearly 900 million times on Spotify⁴³—includes the lyric: “This Glock .45 came with a switch.”⁴⁴ Chicago-based musicians also frequently reference “Glock switches” in their songs, including the 2021 song “Glock With A Switch” by Chicago-based rapper Virgil Gibson, known as PGF Nuk. In the music video for the song, the rapper and others wave Glock pistols affixed with switches to the song’s lyrics: “Four Nick with a drum,⁴⁵ a Glock with a switch ... I won’t miss, not shootin’ off corners, we run up and blitz.”⁴⁶ Another example is the 2021 song “Danny Block” from Chicago-based rapper Lil Zay Osama—which includes the lyrics: “I just got a brand new Glock with a fifty and a switch ... I just popped one of my opps, I’m finna go do another hit.”⁴⁷

⁴² Gary Trust, *Drake & 21 Savage’s ‘Jimmy Cooks’ Soars in at No. 1 on Billboard Hot 100*, BILLBOARD (June 27, 2022), <https://www.billboard.com/music/chart-beat/drake-21-savage-jimmy-cooks-number-1-hot-100-1235106933> [<https://perma.cc/79EV-VM9V>].

⁴³ Drake, *Jimmy Cooks* (feat. 21 Savage), SPOTIFY <https://open.spotify.com/track/3F5CgOj3wFIRv51JsHbxhe> (last visited Mar. 13, 2024) (showing 893,287,394 unique streams).

⁴⁴ Rania Aniftos, *Here Are the Lyrics to Drake’s ‘Jimmy Cooks’ Feat. 21 Savage*, BILLBOARD (July 6, 2022), <https://www.billboard.com/music/lyrics/drake-21-savage-jimmy-cooks-lyrics-1235111311> [<https://perma.cc/KU52-PSYE>].

⁴⁵ A likely reference to a .45-caliber pistol with a high-capacity drum magazine.

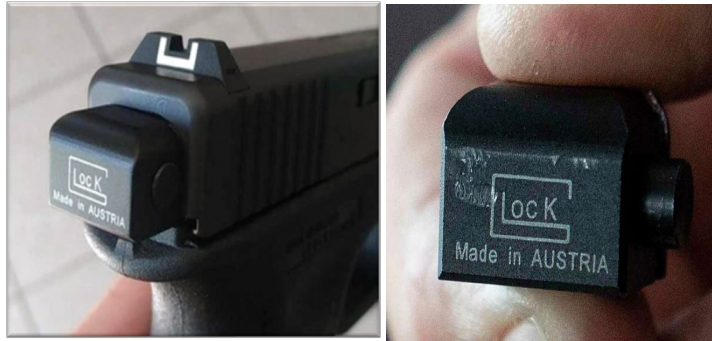
⁴⁶ @PGF Nuk, *PGF Nuk—“Glock With A Switch” (Music Video) Shot by @LouVisualz*, YOUTUBE (Nov. 30, 2021), <https://www.youtube.com/watch?v=otQPnIO5Yfs>. In March 2022, two Modified Glocks, one with a high-capacity magazine, were recovered in 20-year-old Gibson’s car.

⁴⁷ *Danny Block*, LYRICS.AZ (Aug. 26, 2021), <https://lyrics.az/lil-zay-osama/-/danny-block.html> [<https://perma.cc/4M5E-F9AQ>]. Last year, Lil Zay Osama was arrested in Chicago for possession of multiple illegal weapons, including a Modified Glock. See Gabriel Bras Nevares, *Lil Zay Osama Arrested For Gun Possession & Robbery: Report*, HOT NEW HIP HOP (Dec. 15, 2023), <https://www.hotnewhiphop.com/745197-lil-zay-osama-arrest-gun-theft-hip-hop-news> [<https://perma.cc/G5QP-6KSN>]. He was also arrested in late 2022 for illegal firearm possession after allegedly leaving a Modified Glock in the back of an Uber in New York City. See Bill Donahue, *Rapper Lil Zay Osama Facing Federal Gun Charge After Allegedly Leaving Loaded Glock in Uber*, BILLBOARD (Jan. 26, 2024), <https://www.billboard.com/business/legal/lil-zay-osama-facing-federal-gun-charge-loaded-glock-uber-1235590157/> [<https://perma.cc/3VEF-GW87>].



A billboard for PGF Nuk's 2022 album, Switch Music, in the Bridgeport neighborhood of Chicago

44. Some auto sear manufacturers even print Glock logos on their switches⁴⁸—a marking that Glock has had trademarked since 1986 and the use of which it is obligated under federal law to monitor.⁴⁹ Glock knows that auto sears with its logo are being sold, yet Chicago is not aware of any cases brought by Glock against auto sear manufacturers.



⁴⁸ Dan Zimmerman, *VIDEO: Young Teens Show Off Their Illegal GLOCK Full-Auto Switches*, THE TRUTH ABOUT GUNS (Sept. 29, 2022), <https://www.thetruthaboutguns.com/video-young-teens-show-off-their-illegal-glock-full-auto-switches/> [<https://perma.cc/T6V4-N27J>]; Peter Yankowski, *More 'switches' that convert weapons into machine guns turning up in CT, police say*, CT INSIDER (Sept. 12, 2022), <https://www.ctinsider.com/news/article/More-switches-that-convert-weapons-into-17435267.php#photo-22917218>.

⁴⁹ *Glock—Trademark Details*, JUSTIA TRADEMARKS, <https://trademarks.justia.com/734/83/glock-73483803.html> [<https://perma.cc/A7JJ-2T9X>] (last visited Mar. 13, 2024).

45. Glock knows that its civilian-purchased semiautomatic pistols are easily modified and therefore frequently and quickly equipped with auto sears, making them a favorite of criminals seeking to modify their firearms to fire fully automatically. Despite the prevalence of this practice and Glock's knowledge of it, Glock has made the business decision to not take meaningful action to prevent, discourage, or limit the use of its guns in this illegal way.

46. Glock has even been contacted by news outlets regarding whether the company plans to take action to prevent the easy convertibility of its guns to fully automatic fire.⁵⁰ Glock has either remained silent in response or sought to cast blame elsewhere. Recently, Glock even claimed that "the design of the pistol cannot be altered" to make it harder to modify to a machine gun.⁵¹

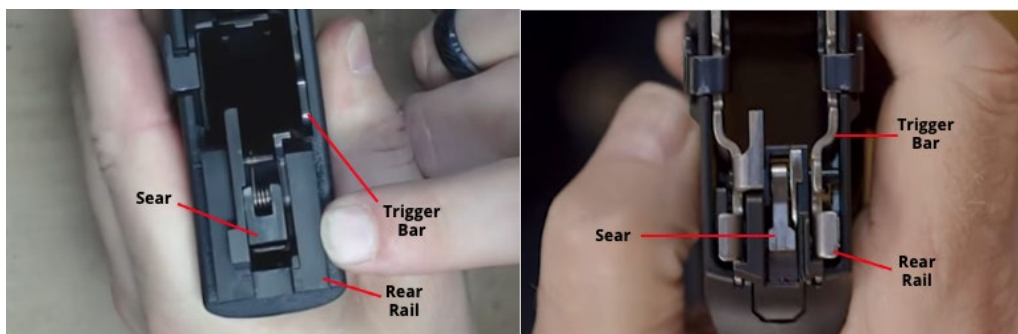
47. This, however, is false. The design of Glock pistols *can* be changed, in multiple ways, including internal as well as external changes, to make it much more difficult for them to be modified into illegal fully automatic machine guns. Such changes can be made without impairing the guns' safety or functionality or making them too expensive. For example, the current configuration of the Glock could be altered so that a user could not so easily access the sear and trigger bar, or so that any modification would defeat the trigger mechanisms and therefore stop the gun from firing. But Glock, in pursuit of profits, continues to make the unconscionable decision not to implement any such change—at the expense of public safety in Chicago.

48. Unlike Glocks, most other striker-fired pistols (such as those made by Smith & Wesson, Sig Sauer, Springfield Armory, or Walther Arms) contain separate "trigger bars" and

⁵⁰ See, e.g., Matt Caron, *Glock switches turning up more and more at local shooting crime scenes*, FOX61 (Nov 7, 2022), <https://www.fox61.com/article/news/crime/glock-switches-connecticut-police-increase/520-8ce4912a-da29-4d61-9260-1f51bf8aa4b8> [<https://perma.cc/287C-EUS8>]; Stephens & Hamilton, *supra* note 1.

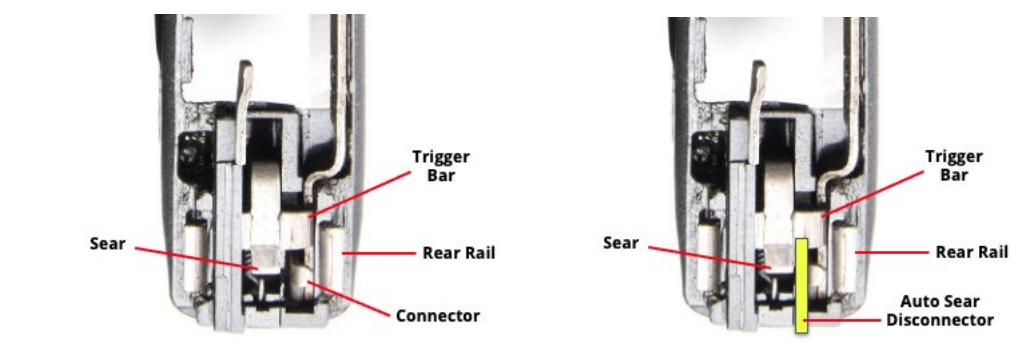
⁵¹ Londoño & Thrush, *supra* note 16.

“sears”—two key components—and those components are separated from the back of the pistol by a “rear rail.” This “rear rail” blocks the exact location where the “disconnecter” of an auto sear would otherwise go.



On the left, a Springfield XD; on the right, a Sig Sauer P320

49. However, in a Glock pistol, the trigger bar and the sear are combined as one piece, creating a relatively large surface area for an auto sear’s disconnecter to target. In addition, nothing shields the large cross-shaped portion of the trigger bar from the back of the pistol, making it possible for an auto sear’s disconnecter to slide between the sear and another component, the connector, to contact the trigger bar and push it downward so that the Glock can continue firing with only one pull of the trigger.



Images showing the back end of a Glock pistol with and without an auto sear disconnecter

The Devastating Use of Modified Glocks in Chicago

50. The ease with which Glocks can be modified has had a detrimental impact on public safety in Chicago. As previously mentioned, in the past two years alone, CPD recovered over 1,100 Modified Glocks. Because the CPD statistics reported above reflect only CPD *recoveries* of Glocks affixed with auto sears, they significantly undercount the number of such Glocks that are currently in circulation in Chicago. Many Modified Glocks believed to have been used in crimes have not been recovered.

51. The incidents of Modified Glocks being used throughout Chicago are too numerous to describe in detail, but even a small sample illustrates the enormity of the problem.

52. Modified Glocks have been used to cause chaos on public streets and roadways.

For example:

- a. In January 2021, the police found a 17-year-old boy lying on the ground in the Belmont Central neighborhood, surrounded by spent shell casings, struggling to breathe. His body was riddled with 12 bullet wounds. He was identified by the high school ID in his wallet and was pronounced dead 30 minutes later. A Modified Glock was recovered in connection with the shooting.
- b. In February 2022, a shoot-out on South Dearborn Street in Bronzeville left one man dead and another seriously injured with three gunshot wounds. A total of 36 shell casings were found in and around the car of the injured victim. Three individuals aged 20, 18, and 12 were taken into custody. Two Modified Glocks were recovered in connection with the shooting.
- c. In May 2022, the police responded to a shooting in Chicago's Near North Side. As the police arrived, an individual fired multiple rounds into a crowd and fled down the stairs into a subway station. Two individuals were killed and at least six others were injured—one person sustaining nine gunshot wounds. A Modified Glock was recovered in connection with the shooting.
- d. In July 2022, an exchange of at least 20 rounds between a group of people outside Persona Lounge in the Loop left two men dead and three others injured. A Modified Glock was recovered in connection with the shooting.
- e. Shortly before midnight on August 20, 2022, a group of individuals got into an altercation in an alley in Auburn Gresham, when one person opened fire and

another returned fire. At least one man was killed and at least two others were seriously injured. A Modified Glock was recovered at the scene.

- f. On the morning of April 7, 2023, police responded to a shooting in Humboldt Park. When they arrived, they saw a large crowd of people and three shooting victims—one of whom was pronounced dead shortly thereafter. A Modified Glock was recovered in connection with the shooting.
- g. Over Memorial Day weekend in 2023, three men were walking outside of Stella's Diner in Lakeview when they were suddenly shot and injured. A Modified Glock was recovered in connection with the shooting.

53. Modified Glockes have been used to endanger individuals living and working in public housing. For example:

- a. In July 2021, a security guard stepped outside the Bobby E. Wright Housing Complex in East Garfield Park for a cigarette break. The security guard was set upon by an individual who pulled a pistol from his waistband and fired. The guard was found on the first-floor stairwell with five gunshot wounds and no pulse. A Modified Glock was recovered that day in connection with the shooting.
- b. On October 29, 2022, a gun fight erupted outside the Wentworth Gardens CHA complex. Based on video evidence, an 18-year-old is believed to have fired at the car that initiated the shooting, killing a 17-year-old inside. A "very bloody" Modified Glock was recovered in connection with the shooting.

54. Modified Glockes have been used in carjackings. For example:

- a. In November 2020, an 18-year-old used a Modified Glock during his attempts to carjack two separate cars in Chicago's Austin neighborhood. The teenager unsuccessfully attempted to carjack an occupied vehicle, firing 14 rounds at that car as the driver sped away to avoid the theft. The teenager then brandished the Modified Glock when ordering others out of a different parked vehicle that he ultimately stole.
- b. In May 2021, a 22-year-old convicted felon fired a Modified Glock in an attempted carjacking in Garfield Park. After the driver of the vehicle escaped, the shooter then brandished the weapon while successfully carjacking a different car that was involved in a multi-vehicle crash shortly thereafter.
- c. On Christmas Eve 2021, an 18-year-old used a Modified Glock to carjack a 69-year-old man at gunpoint in Beverly. The 18-year-old then attempted to flee in his original car while a co-conspirator drove away in the carjacked vehicle. The 18-year-old suspect ultimately crashed his original vehicle and boarded a CTA bus, followed by a CPD officer. While on the bus, a Modified Glock fell from the suspect's waistband.

55. Modified Glockes have been used in drive-by homicides and assaults. For example:

- a. In April 2021, a 19-year-old was going to Walmart in Little Village when he was attacked and killed in a drive-by shooting by four men. A Modified Glock was recovered in connection with the shooting.
- b. In another drive-by shooting, a 29-year-old man was walking down 86th Street in Auburn Gresham shortly before 1:00 p.m. on April 12, 2023, when a grey Tesla approached. He was shot three times and ran toward a nearby friend who transported him to a hospital. He was pronounced dead shortly thereafter. Police found 11 shell casings at the scene, and three Modified Glockes were recovered in connection with the shooting the next day.
- c. On May 11, 2023, two individuals inside a stolen Mercedes-Benz fired upon a group of individuals hanging out in Greater Grand Crossing on the South Side. A 28-year-old man was shot in the temple and transported to the hospital in critical condition. He later died. The perpetrators fled the scene but were apprehended after they crashed their vehicle. Two Modified Glockes were recovered in connection with the shooting.
- d. In June 2023, a driver was critically hurt after crashing his car into a tree in West Garfield Park after he was set upon by another car that was shooting at him. He was shot a total of seven times: twice in the head, once in the shoulder, once in the finger, once in the left knee, once in the shin, and once in the right calf. A Modified Glock was recovered in connection with the shooting.
- e. On October 7, 2023, a 24-year-old man and 28-year-old woman were shot in front of the CPD station on South Cottage Grove Avenue. The two were part of a larger group conversing in front of the station and heard a loud *pop* before seeing others disperse. A Modified Glock was recovered in connection with the shooting.

56. Modified Glockes have been found in the possession of extremely dangerous and irresponsible individuals. For example:

- a. In July 2021, in the Bronzeville neighborhood, an 18-year-old attacked his girlfriend by hitting her in the face multiple times. When police arrived, they located a Modified Glock 19 9mm pistol with an extended magazine under his mattress.
- b. In April 2022, a man who had an outstanding warrant held his girlfriend hostage for three hours in their apartment in the Parkway Garden Homes. When police arrived, they found a loaded Modified Glock with an attached laser pointer and high-capacity magazine in his bag.
- c. In March 2022, a 12-year-old was heading home from her birthday party in West Englewood, when she was shot and killed. Nine months later, when two men were

arrested for her shooting, one of the suspects had a Modified Glock in his possession.

- d. On December 16, 2022, as students were being let out of Benito Juárez Community Academy and adjacent schools, a 16-year-old went to the school and killed a 15-year-old and a 14-year-old; two other teenagers were also wounded. The shooter escaped at the time and was ultimately caught on February 9, 2023. A search of his bedroom found four guns, each equipped with extended magazines, and three of which were Glocks that had been converted to fully automatic.
- e. In May 2023, 24-year-old CPD Officer Aréanah Preston was returning home from work when she was set upon by three teenagers in the midst of a robbery spree. One of the offenders shot her multiple times. The first responding officer on the scene drove Officer Preston to the hospital in his own car, where she was pronounced deceased. Before encountering Officer Preston, the armed teenagers had stolen a car and robbed at least four other people. The following day, a Gen5 Modified Glock was recovered in connection with the arrest of one of the offenders.
- f. On August 31, 2023, CPD responded to a report of around 20 shots fired near East 71st Street and South Vernon. The shooter fired at the responding CPD officers before fleeing the scene. When the shooter was ultimately detained at an apartment, CPD treated him for a gunshot wound in his left leg. Four firearms—including two Modified Glocks—were recovered at the apartment where he was taken into custody.
- g. On October 20, 2023, a 26-year-old attempted to board a flight leaving O'Hare International Airport with 40 grams of marijuana and a Modified Glock. He was taken into custody after Transportation Security Administration agents observed the Modified Glock during the pre-flight security screening.

57. As the number of Glocks equipped with auto sears in Chicago skyrockets, so do the dangerous and devastating consequences associated with them. This past August, the Special Agent in Charge of the ATF's Chicago Field Division spoke about this trend:

Four years ago this was not an issue for law enforcement. Early on in my career, rarely, if ever, did you see machine guns being used in violent crimes, and now it's everywhere on our streets. They're being used in shootings. The shootings are becoming reality, more victims, they're becoming deadlier because you're able to get off, in some cases, 30 rounds in a matter of seconds.⁵²

⁵² Chuck Goudie, Barb Markoff & Christine Tressel, *Illegal Automatic Weapons Flood Chicago Streets Due to Easily Obtained Conversion Kits*, ABC7 Chicago (Aug. 17, 2023), <https://abc7chicago.com/chicago-guns-semi-automatic-weapon-machine-gun-conversion-kit/13665257/> [<https://perma.cc/LW66-QPTL>].

58. Glock's unreasonable and unlawful practices of selling and marketing pistols that can be easily modified to machine guns contribute to the danger that exists on Chicago's streets, public transportation, public spaces, public schools, and public housing. By refusing to take reasonable steps to reduce the susceptibility of its pistols to easy and illegal conversion, in order to sell more guns, Glock is profiting by making the City less safe.

59. Addressing the specific problem and dramatic increase of Glocks equipped with auto sears has imposed significant costs and burdens on many City institutions, including CPD.

60. By manufacturing, selling, and marketing pistols that can be turned into fully automatic weapons with a simple modification, Glock has knowingly engaged in conduct that is unreasonable and unlawful, endangering the safety and health of the public in Chicago.

Glock Aids and Abets Violations of the Federal and Illinois Prohibitions on Machine Guns

61. As noted above, federal and Illinois law prohibit the knowing sale, manufacture, purchase, possession, and carry of machine guns. A "machinegun" includes "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger." 26 U.S.C. § 5845(b); accord 720 ILCS 5/24-1(a)(7)(i). The definition also includes "any combination of parts from which a machine gun can be assembled" if those "parts are in the possession or under the control of a person." 26 U.S.C. § 5845(b); see also 27 C.F.R. § 479.11; accord 720 ILCS 5/24-1(a)(7)(i).

62. As set forth above, Glock sells easily modified pistols in Illinois and to Chicago residents, where it is illegal to purchase or possess a machine gun. Glock does so despite the company's long-standing knowledge that its pistols are designed in a way that makes them easily susceptible to illegal modification and its knowledge that a substantial percentage of its pistols are (a) purchased or acquired with the intention to be possessed in combination with another part (an

auto sear) from which a machine gun can be assembled and/or with the intention to be easily converted to illegal machine guns and (b) then made into illegal machine guns.

63. Furthermore, Glock knows that it could easily and feasibly change its pistol design to make it more difficult to affix an auto sear. With knowledge that the proliferation of auto sears on Glock pistols is a result of Glock's design, Glock modestly changed the design of its Gen5 model. Glock knew that its addition of a small plastic piece on the back of the gun was neither a reasonable nor bona fide solution; that piece can be filed down easily with a simple tool. Upon information and belief, Glock falsely claimed to the ATF that it had fixed the problem. However, as Glock knows, a significant number of its users continue to affix auto sears to Gen5 Glocks and use them as machine guns. Moreover, Glock continues to sell Gen3 and Gen4 Glocks nationwide and has not made any change to their design.

64. For years, there have been reports of countless illegal conversions of Glock pistols and substantial numbers of recoveries of illegally converted Glocks in criminal investigations. Despite its knowledge of these reports, Glock has made the decision to continue selling easily modified handguns and has knowingly refused to make its handguns meaningfully safer, which encourages a significant number of its customers and users to continue to illegally possess its pistols in combination with auto sears—a combination of parts from which a machine gun can be assembled—and to illegally modify Glocks to fire fully automatically.

65. Glock continues to sell handguns that are easily modifiable because the demand from the criminal market for Glocks, which can be made into a fully automatic machine gun easily in combination with an auto sear, boosts Glock's sales and profits. Glock has known for years that criminals, including those who seek to be armed and to inflict violence with outlawed machine guns, are a considerable source of demand and therefore revenue and profit for Glock. Glock

further knows that it would sell fewer of its pistols if it lost its consumers who specifically seek out Glocks over other models because of their ease of convertibility to a machine gun.

66. In addition, Glock continues to sell its easily modifiable pistols through distributors that it knows disproportionately serve the criminal market. For example, it has been widely publicized for over a decade that Chuck's Gun Shop in Riverdale, Illinois, and Midwest Sporting Goods in Lyons, Illinois—two authorized Glock distributors—supply a disproportionate percentage of crime guns in Chicago.⁵³ In fact, a 2017 report identified Chuck's Gun Shop and Midwest Sporting Goods as together being the source of almost 12% of the City's crime guns.⁵⁴ However, Glock has chosen not to cut off these stores' supply of its pistols because it has not wanted to sacrifice the profits they provide. Instead, it has continued to sell through them despite Glock's long awareness of their outsized role in Chicago's criminal gun market. Glock's continued sales through well-known sources of crime guns ensures that criminals can get Glocks easily and is another way that Glock facilitates the easy and illegal possession of machine guns.

⁵³ City of Chicago – Office of the Mayor & Chicago Police Department, *Tracing the Guns: The Impact of Illegal Guns on Violence in Chicago* 6 (2014), <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2014/May/05.27.14CPDReport.pdf> [<https://perma.cc/4KG9-ACMR>]; City of Chicago – Office of the Mayor & Chicago Police Department, Gun Trace Report 2017, at 4 (2017) [hereinafter 2017 Gun Trace Report 2017], <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2017/October/GTR2017.pdf> [<https://perma.cc/PJ8P-4GED>]. An even earlier report from 2004 identified Chuck's Gun Shop as the single highest source of crime guns in the nation between 1996 and 2000. See Champe Barton, *Their Guns Fueled Chicago Crime. When They Broke the Law, the ATF Went Easy.*, The Trace (Apr. 11, 2022), <https://www.thetrace.org/2022/04/chicago-gun-stores-atf-trace-report-inspection/> [<https://perma.cc/WRT5-CFJC>]. In 2023, the ATF published a widely publicized report that identified Riverdale and Lyons, suburbs within which Chuck's and Midwest Sporting Goods are the only gun stores, as being the source of 9% of Chicago's crime guns from 2017 to 2021. *Chicago, IL – State report Mega City*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (Jan. 11, 2023), <https://www.atf.gov/firearms/docs/report/chicago-il-state-report-mega-city/download> [<https://perma.cc/4JFW-GP9F>].

⁵⁴ 2017 Gun Trace Report, *supra* note 53, at 4.

67. For the reasons set forth above, when Glock was asked by the ATF to find a way to modify its pistols to make it more difficult to attach auto sears, Glock not only ignored the ATF's warnings about its products but also falsely represented to the ATF and the public that there is no alternative design that could make it more difficult to convert its pistols to fire fully automatically. Glock's conduct demonstrates that it would prefer to profit from the dangerous rise in the frequency of its pistols being converted to machine guns than help to end the problem. Glock also continues to sell and market its easily modified pistols without any warnings or disclosures pertaining to the legal prohibitions on the possession of machine guns and stays silent about auto sears in its instructions and marketing materials because the rise in auto sears helps maximize Glock's sales and profits.

68. Through its conduct described above, Glock has aided and abetted and knowingly and substantially assisted significant numbers of violations of federal and state prohibitions on the possession of machine guns, including a combination or parts from which machine guns can be assembled.

FIRST CLAIM FOR RELIEF
Violation of MCC § 2-25-090
(Unreasonable sale and marketing of firearms)

69. The City repeats, realleges, and incorporates as if fully set forth herein the allegations of paragraphs 1 through 68 above.

70. MCC § 2-25-090(a) makes it unlawful for a business to "engage in any act of consumer fraud, unfair method of competition, or unfair or deceptive act or practice while conducting any trade or business in the city," including "[a]ny conduct constituting an unlawful act or practice under the Illinois Consumer Fraud and Deceptive Business Practices Act[.]"

71. On August 14, 2023, the ICFA was amended pursuant to the Firearms Industry Responsibility Act. As of this date, it is unlawful for "any firearm industry member, through the

sale, manufacturing, importing or marketing of a firearm-related product” to “[k]nowingly create, maintain, or contribute to a condition in Illinois that endangers the safety or health of the public by conduct either unlawful in itself or unreasonable under all circumstances.” 815 ILCS 505/2BBBB(b)(1).

72. It is also unlawful under the ICFA for a “firearm industry member” to “fail[] to establish or utilize reasonable controls.” *Id.* “Reasonable controls include reasonable procedures, safeguards, and business practices that are designed to ... not ... promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product.” *Id.*

73. A “firearm industry member” is “a person, firm, corporation, company, partnership, society, joint stock company or any other entity or association engaged in the design, manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products.” *Id.* §2BBBB(a).

74. A “firearm-related product” includes a firearm that is “sold, made, or distributed in Illinois;” “intended to be sold or distributed in Illinois; or” “was possessed in Illinois, and it was reasonably foreseeable that the [firearm] would be possessed in Illinois.” *Id.*

75. Glock is a “firearm industry member” that manufactures, imports, markets, and sells “firearm-related products” within the meaning of the ICFA. At all relevant times to this lawsuit, Glock has sold and marketed, and continues to sell and market, its pistols into Chicago and Illinois. In fact, according to its website, Glock has relationships with more than 100 dealers located in Illinois.

76. Thousands of Chicago residents purchase Glock firearms. Chicago residents can and do enter their addresses—or similarly “Chicago”—on Glock’s website to be directed to a nearby federally licensed Glock-authorized gun store just outside of city limits where they can

purchase their pistols. In addition, Glock pistols can be purchased directly by Chicago residents via a “Buy Now” link on Glock’s website and then picked up at a brick-and-mortar location in the state. The “Buy Now” link directs to a third-party website, which allows customers to place the pistol in an online cart and complete the purchase transaction, including payment. The pistol is then shipped to a federally licensed brick-and-mortar gun store for the customer to complete a background check and pick up the pistol.

77. Glock also engages in trade and commerce in Chicago by advertising Glock pistols to Chicago consumers, which thousands of Chicago consumers have purchased and will continue to purchase.

78. While it is illegal to sell machine guns to non-law-enforcement personnel, except under very limited circumstances, Glock sells, manufactures, imports, and markets pistols that easily accept auto sears to civilians, thereby facilitating the proliferation of illegal machine guns. Through these practices, Glock knowingly creates, maintains, and contributes to a condition in Chicago that endangers the safety and health of the public.

79. Glock knows that the pistols it sells to the civilian market easily accept—and are frequently and illegally possessed and/or modified with—auto sears. Yet, in violation of the MCC and the ICFA, it continues to sell and market its easily converted pistols into Chicago to civilian, non-law-enforcement personnel. Glock does this despite knowing that there are reasonable steps it could take to alter the pistols it sells to civilians to make it more difficult for them to accept auto sears and to be converted into illegal machine guns. This conduct is unreasonable under all the circumstances.

80. In addition, as set forth above, prior to and after August 14, 2023, Glock has knowingly aided and abetted, and continues to aid and abet, violations of the federal and Illinois

prohibitions on the possession of machine guns, including any combination or parts from which a machine gun can be assembled. This conduct is unlawful in itself, and through this illegal conduct, Glock has knowingly created, maintained, and contributed to a condition in Chicago that endangers the safety and health of the public.

81. Furthermore, Glock has knowingly failed to establish and utilize reasonable controls, procedures, safeguards, and business practices to ensure that it does not promote the unlawful possession and use of illegal machine guns. It does so by continuing to sell and market its easily modified pistols, refusing to fix the problem, and failing to provide any warnings or disclosures pertaining to the prohibitions on manufacturing or possessing machine guns. Instead, it has continued to sell and market its pistols to civilian consumers in Chicago as if the problem did not exist.

82. Glock has thereby endangered the public as well as Chicago law enforcement, undermined law enforcement efforts to prevent gun violence and other gun-related crime, and diverted scarce law enforcement resources. Glock's conduct constitutes an unlawful act under ICFA, § 2BBBB(b)(1), and therefore, is a violation of MCC § 2-25-090(a). The aforementioned conduct has proximately caused harm to Chicago.

83. MCC § 2-25-090(h) provides that "[e]ach day that a violation continues or occurred, and each violation committed per day, shall constitute a separate and distinct offense to which a separate fine shall apply." Each day that Glock engaged in or engages in the unlawful sale and marketing of its pistols to Chicago civilian consumers constitutes a separate and distinct offense under MCC § 2-25-090.

84. WHEREFORE, Chicago respectfully requests that this Court enter an order (a) awarding judgment in Chicago's favor on its First Claim for Relief; (b) declaring that Glock

has violated MCC § 2-25-090; (c) enjoining Glock from engaging in further unlawful practices in violation of MCC § 2-25-090; (d) ordering disgorgement of profits from Glock obtained through its unlawful practices; (e) assessing Glock fines of \$10,000 for each offense under MCC § 2-25-090; (f) awarding Chicago its costs of investigation and suit, including reasonable attorneys' fees and costs, as authorized under MCC § 2-25-090; (g) awarding Chicago pre- and post-judgment interest, to the extent allowable; and (h) awarding such other, further, and different relief as this Court deems reasonable and just.

SECOND CLAIM FOR RELIEF
Violation of MCC § 2-25-090
(Unfair Practice)

85. The City repeats, realleges, and incorporates as if fully set forth herein the allegations of paragraphs 1 through 84 above.

86. MCC § 2-25-090(a) makes it unlawful for a business to “engage in any act of consumer fraud, unfair method of competition, or unfair or deceptive act or practice while conducting any trade or business in the city,” including “[a]ny conduct constituting an unlawful practice under the [ICFA].” ICFA, in turn, makes it unlawful for a business to engage in unfair acts or practices in the conduct of any trade or commerce. 815 ILCS 505/2. And firearms companies are prohibited from engaging in such unfair acts, just like any other company. *See id.* § 2BBBB(b)(4), (c).

87. Illinois courts consider the following factors when identifying unfair practices that violate ICFA or the MCC: (1) whether the practice offends public policy; (2) whether it is immoral, unethical, oppressive, or unscrupulous; and (3) whether it causes substantial injury to consumers.” *Robinson v. Toyota Motor Credit Corp.*, 201 Ill. 2d 403, 417–18 (2002). “All three criteria do not need to be satisfied to support a finding of unfairness. A practice may be unfair because of the

degree to which it meets one of the criteria or because to a lesser extent it meets all three.” *Id.* at 418.

88. Glock’s knowing practice of manufacturing, selling, and marketing pistols that are easily converted to illegal machine guns offends public policy; is immoral, unethical, oppressive, and unscrupulous; and causes substantial injury to consumers.

89. In addition, Glock’s aiding and abetting violations of the federal and Illinois prohibitions on the possession of machine guns constitutes an unfair practice under ICFA and the MCC. In fact, the United States Supreme Court has described the choice by criminals to use machine guns as one involving “moral depravity.” *United States v. O’Brien*, 560 U.S. 218, 230 (2010).

90. Glock pistols are regularly purchased by Chicago residents via Glock’s website and nearby Illinois gun stores that serve the Chicago market.

91. As a direct and foreseeable result of Glock’s marketing and sale of unreasonably dangerous firearms to non-law-enforcement personnel in Chicago, public safety in Chicago has been, and will continue to be, imperiled.

92. Glock’s conduct constitutes a knowing unfair practice under Section 2 of ICFA and under MCC § 2-25-090(a). This conduct has proximately caused harm to Chicago.

93. MCC § 2-25-090(h) provides that “[e]ach day that a violation continues or occurred, and each violation committed per day, shall constitute a separate and distinct offense to which a separate fine shall apply.” Each day that Glock engaged in or engages in the unlawful sale and marketing of its pistols to Chicago non-law-enforcement consumers constitutes a separate and distinct offense under MCC § 2-25-090.

94. WHEREFORE, Chicago respectfully requests that this Court enter an order (a) awarding judgment in Chicago's favor on its Second Claim for Relief; (b) declaring that Glock has violated MCC § 2-25-090; (c) enjoining Glock from engaging in further unfair practices in violation of MCC § 2-25-090; (d) ordering disgorgement of profits from Glock obtained through its unlawful practices; (e) assessing Glock fines of \$10,000 for each offense under MCC § 2-25-090; (f) awarding Chicago its costs of investigation and suit, including reasonable attorneys' fees and costs, as authorized under MCC § 2-25-090; (g) awarding Chicago pre- and post-judgment interest, to the extent allowable; and (h) awarding such other, further, and different relief as this Court deems reasonable and just.

THIRD CLAIM FOR RELIEF
Municipal Cost Recovery Ordinance

95. The City repeats, realleges, and incorporates as if fully set forth herein the allegations of paragraphs 1 through 94 above.

96. Section 1-20-020 of the Municipal Code of Chicago provides that

Any person who causes the city or its agents to incur costs in order to provide services reasonably related to such person's violation of any federal, state or local law, or such person's failure to correct conditions which violate any federal, state or local law when such person was under a legal duty to do so, shall be liable to the city for those costs. This liability shall be collectible in the same manner as any other personal liability.

97. At all times relevant to this Complaint, Glock participated in unlawful acts by marketing and selling easily modified Glockes to non-law-enforcement personnel in Illinois in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act.

98. First, by selling and marketing easily modified Glockes into Illinois after August 14, 2023, Glock has knowingly violated, and continues to violate, Section 2BBBB(b)(1) of ICFA, which makes it unlawful for a firearm industry member to "[k]nowingly create, maintain, or

contribute to a condition in Illinois that endangers the safety or health of the public by conduct either unlawful in itself or unreasonable under all the circumstances, including failing to establish or utilize reasonable controls.”

99. Second, prior to and continuing after August 14, 2023, Glock knowingly violated, and has continued to violate, Section 505/2BBBB(b)(4) of ICFA, which declares that it is unlawful for a gun industry member to engage in acts declared unlawful under Section 2 of ICFA, which include unfair acts or practices that offend public policy and are immoral, unethical, oppressive, and unscrupulous.

100. Third, prior to and continuing after August 14, 2023, Glock has aided and abetted and knowingly and substantially assisted significant numbers of violations of the federal and Illinois prohibitions on the possession of machine guns, including combinations of parts from which machine guns can be assembled.

101. Accordingly, Glock has created conditions that violate the legal provisions outlined above and was under a legal duty to correct those conditions but failed to do so.

102. As a result of Glock’s knowing violation of the above law and Glock’s failure to correct the conditions that violate the above law, the City has incurred, and will continue to incur, substantial costs to address the harm caused by Modified Glocks. These include, but are not limited to, the costs of investigating and prosecuting crimes involving Modified Glocks, the costs of providing emergency services to transport and treat victims of shootings involving Modified Glocks, the cost of securing and analyzing crime scenes involving Modified Glocks, the cost of victim support services for victims of crimes involving Modified Glocks, and the costs of providing gun violence prevention, street outreach, and community safe-space programming to mitigate harms caused by Modified Glocks.

103. WHEREFORE, Chicago respectfully requests that this Court enter an order (a) awarding judgment in Chicago's favor on its Third Claim for Relief; (b) awarding Chicago costs it has incurred and will continue due to Glock's violation of law, as provided in MCC § 1-20-020, in the amount to be proven at trial; (c) awarding Chicago its costs of investigation and suit, including reasonable attorneys' fees and costs as a penalty under MCC § 1-20-060; (d) awarding Chicago pre- and post-judgment interest, to the extent allowable; and (e) awarding such other, further, and different relief as this Court deems reasonable and just.

FOURTH CLAIM FOR RELIEF
Public Nuisance

104. The City repeats, realleges, and incorporates as if fully set forth herein the allegations of paragraphs 1 through 103 above.

105. Glock's sale and marketing of pistols to civilian consumers that can be easily modified to illegal machine guns, and its continuing decision not to take reasonable steps to prevent such illegal modifications, has created, maintained, and contributed to a continuing nuisance in the City of Chicago, endangering its residents. Glock's conduct foreseeably results in the illegal possession and use of machine guns by civilians in the City. Yet, Glock continues to sell its easily modified pistols into Illinois and Chicago, knowing they are regularly being illegally possessed and converted. Absent abatement or other relief, this public nuisance will continue indefinitely.

106. Glock's conduct was, and continues to be, in knowing violation of Sections 2, 2BBBB(b)(1), and 2BBBB(b)(4) of ICFA. These knowing violations proximately harmed the City.

107. Glock has also aided and abetted and knowingly and substantially assisted significant numbers of violations of the federal and Illinois prohibitions on the possession of machine guns, including combinations of parts from which machine guns can be assembled. These knowing violations proximately harmed the City.

108. Glock's conduct unjustifiably endangers, renders insecure, interferes with, and obstructs the rights of the residents of Chicago. By selling and marketing pistols to civilian consumers that can be easily modified to machine guns, Glock has created a new terror on the streets of Chicago—a terror once reserved for battlefields.

109. Glock's conduct has created, maintained, and contributed to a public nuisance in Chicago by unreasonably interfering with the right of the general public to life, health, the use and enjoyment of property, the right to travel within the City, and the right to attend school, all without fear of being shot with or menaced by Modified Glockes. The unlawful proliferation of illegal machine guns interferes with rights common to the general public; deprives the City and its residents and visitors of the peaceful use of public streets, sidewalks, parks, and other public places; interferes with commerce, travel, and the quality of daily life; and endangers the health, welfare, peace, safety, well-being, convenience, and property of considerable numbers of residents of, and visitors to, Chicago. These harms are felt throughout Chicago.

110. WHEREFORE, Chicago respectfully requests that this Court enter an order (a) awarding judgment in Chicago's favor on its Fourth Claim for Relief; (b) requiring Glock to abate the nuisance described herein and to deter and/or prevent the resumption of the nuisance; (c) awarding Chicago damages, including past, present, and future costs incurred by Chicago to abate the nuisance described in this Complaint, the amount to be proven at trial; (d) awarding Chicago reasonable attorneys' fees and costs, to the extent allowable; (e) awarding Chicago reasonable pre- and post-judgment interest, to the extent allowable; (f) granting injunctive relief; and (g) awarding such other, further, and different relief as this Court deems reasonable and just.

FIFTH CLAIM FOR RELIEF
Negligence

111. The City repeats, realleges, and incorporates as if fully set forth herein the allegations of paragraphs 1 through 110 above.

112. At all relevant times, Glock was subject to the general duty imposed on all persons and entities to not expose others to reasonably foreseeable risks of injury.

113. Glock had a duty to exercise reasonable care in distributing and selling firearms and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others. A breach of such duty constitutes negligence.

114. Glock breached its duty by selling firearms to civilian consumers despite knowing that its firearms are exceedingly easy to convert to illegal machine guns, that an alarming number of them have been illegally possessed and converted to machine guns, and that it could fix this problem through a reasonable change in design of its pistols.

115. Glock further breached its duty through conduct that constitutes a knowing violation of Sections 2, 2BBBB(b)(1), and 2BBBB(b)(4) of ICFA. These knowing violations proximately harmed the City.

116. Glock has also aided and abetted and knowingly and substantially assisted significant numbers of violations of the federal and Illinois prohibitions on the possession of machine guns, including combinations or parts from which machine guns can be assembled. These knowing violations proximately harmed the City.

117. Glock is vicariously liable for the actions or inactions of its agents and/or employees while in the scope of their agency and/or employment.

118. WHEREFORE, Chicago respectfully requests that this Court enter an order (a) awarding judgment in Chicago's favor on its Fifth Claim for Relief; (b) awarding Chicago

damages as permitted by law, the amount to be proven at trial; (c) awarding Chicago reasonable pre- and post-judgment interest, to the extent allowable; and (d) awarding such other, further, and different relief as this Court deems reasonable and just.

REQUEST FOR RELIEF

Wherefore, the City requests that the Court grant judgment in its favor, as follows:

- i. Enjoining Glock from marketing and selling pistols that can easily be converted to fully automatic to Chicago non-law-enforcement consumers via its website and Illinois gun stores that serve the Chicago market;
- ii. Ordering Glock to implement reasonable controls, safeguards, and procedures to prevent its easily converted pistols from being possessed, used, marketed, or sold unlawfully to non-law-enforcement consumers in Chicago and by Illinois gun stores that serve the Chicago market;
- iii. Awarding damages against Glock for a reasonable sum of money that will fairly compensate the City for its damages;
- iv. Awarding judgment against Glock for a sum of money that will allow the City to abate the nuisance that Glock has created;
- v. Awarding fines against Glock under MCC § 2-25-090 and MCC § 1-20-060;
- vi. Ordering Glock to disgorge profits obtained through unlawful conduct;
- vii. Awarding the City pre- and post-judgment interest, to the extent allowable;
- viii. Awarding the City exemplary damages;
- ix. Awarding the City its costs of investigation and suit, including any reasonable attorneys' fees and costs;
- x. Providing such further relief as the Court deems appropriate.

Dated: March 19, 2024

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